

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MATTHEW G. SILVA and JEFFREY)
R. MCKEE,) No. CV-12-5102-CI
)
Plaintiffs,) ORDER STRIKING PENDING
) MOTIONS AND RESETTING
v.) TELEPHONIC SCHEDULING
) CONFERENCE
KATHY BODNAR, et al.,)
Defendants.) ----- ACTION REQUIRED -----
)

Before the court are the following Motions: Defendants' Motion for Summary Judgment (ECF No. 7); Defendants' Motion to Continue Telephonic Scheduling Conference (ECF No. 17); Plaintiffs' Motion to Continue and/or Stay Proceedings (ECF No. 20); and Defendants' Motion to Expedite Hearing (ECF No. 21).

Plaintiffs, prisoners in the custody of the Department of Corrections at Coyote Ridge Correctional Center (CRCC), appear *pro se*; Defendants are represented by Washington State Assistant Attorney General Candie Dibble. The parties have not consented to proceedings before a magistrate judge.

On July 30, 2012, Defendants filed a Notice of Removal from Franklin County Superior Court Plaintiffs' civil rights complaint to federal court pursuant to 28 U.S.C. § 1331 (Federal Question Jurisdiction). (ECF No. 1, 2, 3.)¹ On August 2, 2012, pursuant to

¹ Exhibits to the Notice of Removal include the State Court Schedule Order setting a March 25, 2013, discovery deadline; an April 8, 2013, dispositive motion deadline; and a June 5, 2013, trial date. (ECF No. 1 at 43.)

1 LR 16.1, Local Rules for the Eastern District of Washington (Civil
2 Pretrial Procedure), this court provided the parties with its Notice
3 Setting a Telephonic Scheduling Conference before Magistrate Judge
4 Cynthia Imbrogno. The Notice set the scheduling conference for
5 **October 3, 2012, at 11:00 a.m.**, and directed the parties to confer
6 in advance of the scheduling conference and submit a joint or
7 separate certificate with information requested in the Notice. (ECF
8 No. 4.)

9 For reasons unclear, Defendants filed a Motion for Summary
10 Judgment on August 29, 2012, well before the state court's discovery
11 deadlines and before this court's scheduling conference and
12 scheduling order as required by LR 16.1.

13 On August 30, 2012, Defendants filed a Motion to Continue the
14 Telephonic Scheduling Conference set for October 3, 2012, pending
15 the court's ruling on the Motion for Summary Judgment. They noted
16 their motion hearing for October 1, 2012. (ECF No. 17, 18.) On
17 August 31, 2012, Plaintiff Jeffrey McKee filed a Motion to Continue
18 and/or Stay these proceedings, but did not file a notice of hearing.
19 (ECF No. 20 at 11.) Thereafter, Defendants filed a Motion to
20 Expedite the hearing on their Motion to Continue from October 1 to
21 September 11, 2012. (ECF No. 21, 22.)

22 In the interests of judicial economy, efficient time management
23 for all parties and the court, and recognizing that the court has
24 not had the opportunity to meet with the parties to discuss
25 deadlines and expectation in compliance with LR 16.1,

26 **IT IS ORDERED:**

27 1. All Motions pending before the court (ECF Nos. 7, 17, 20,
28

1 21) are **STRICKEN** with leave to renew after the Scheduling Conference
2 Order is filed.

3 2. The **TELEPHONIC SCHEDULING CONFERENCE** set for **October 3,**
4 **2012, is reset to OCTOBER 23, 2012, AT 10:00 a.m.** The parties are
5 advised to confer and file a Joint (or Separate) Certificate as
6 directed in the Notice of Hearing. (ECF No. 4.)

7 **IT IS FURTHER ORDERED:**

8 Due to inevitable delays in the transmittal of court orders to
9 inmates by paper mail, counsel for Defendants is directed to contact
10 Plaintiffs by telephone at the CRCC immediately upon receipt of this
11 Order and inform them that all pending motions have been stricken
12 with leave to renew after the reset Scheduling Conference on October
13 23, 2012.

14 Defense counsel is directed to initiate the conference call to
15 Plaintiff and Judge Imbrogno's chambers on October 23, 2012, at
16 10:00 a.m., via the court's conference line: **888-363-4749, Access**
17 **Code 6822266.** The parties are further advised that any motions
18 filed prior to October 23, 2012, will not be addressed by the court
19 until after the Scheduling Conference and within time requirements
20 in LR 7.1.

21 The District Court Executive is directed to file this Order,
22 provide a copy to Plaintiff by mail and to counsel for Defendants.

23 DATED September 7, 2012.

24
25

S/ Rosanna Malouf Peterson
26 ROSANNA MALOUF PETERSON
27 Chief United States District Court Judge
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